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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

RICHARD ZEITLIN, ADVANCED  
TELEPHONY CONSULTANTS, MRZ  
MANAGEMENT, LLC, DONOR  
RELATIONS, LLC, TPFE, INC., AMERICAN  
TECHNOLOGY SERVICES, COMPLIANCE  
CONSULTANTS, CHROME BUILDERS  
CONSTRUCTION, INC., UNIFIED DATA  
SERVICES;

Plaintiffs,

v.

BANK OF AMERICA, N.A. and JOHN AND  
JANE DOES 1-100,

Defendants.

Case No.: 2:18-cv-01919-RFB-DJA

**STIPULATION AND ORDER  
EXTENDING DISCOVERY  
DEADLINES**

**(FOURTH REQUEST)**

Plaintiffs Richard Zeitlin, Advanced Telephony Consultants, MRZ Management, LLC, Donor Relations, LLC, TPFE, Inc., American Technology Services, Compliance Consultants, Chrome Builders Construction, and Unified Data Services (“Plaintiffs”) and Defendant Bank of America, N.A. (“BANA” and together with Plaintiffs the “Parties” and each a “Party”), through their counsel of record hereby respectfully request the Court enter an order, pursuant to Local Rules IA 6-1 and II ~~26-4~~<sup>26-3</sup>, extending the discovery deadlines set forth in the Court’s Order entered

1 on May 23, 2019 (ECF No. 35), as amended by so-ordered stipulations of the Parties on  
2 September 3, 2019, December 2, 2019, and March 3, 2020 (ECF Nos. 40, 45, and 47)  
3 (collectively the “Scheduling Order”).

4 The deadlines in the Scheduling Order that the Parties are seeking to extend have not  
5 expired. The next deadline in the Scheduling Order is the June 22, 2020 deadline for expert  
6 disclosures. The current discovery close deadline is August 18, 2020, and dispositive motions are  
7 due September 21, 2020. The Parties request a Court order extending those and other related  
8 litigation deadlines based on the date of the resolution of Parties’ discovery motions, discussed  
9 below.

#### 10 **I. Discovery Completed**

11 The Parties have completed the following discovery and have made significant progress  
12 since entry of the Scheduling Order:

- 13 1. All Parties have completed initial disclosures.
- 14 2. Plaintiffs have propounded requests for production of documents, requests for  
15 admission, and interrogatories on BANA.
- 16 3. BANA initially responded to Plaintiffs’ written discovery with timely responses  
17 and objections and made two productions of documents.
- 18 4. BANA propounded requests for production of documents, requests for admission,  
19 and interrogatories on the Plaintiffs.
- 20 5. The Plaintiffs provided initial responses and objections to BANA’s written  
21 discovery.
- 22 6. The Parties negotiated—and the Court entered—a stipulated protective order  
23 governing the production of additional, confidential and sensitive documents.
- 24 7. Following entry of the stipulated protective order, all Parties supplemented their  
25 documentary productions with additional documents.
- 26 8. Plaintiffs filed their Motion to Compel Discovery and For Attorney’s Fees (ECF  
27 No. 48) under seal on May 26, 2020 (“Motion to Compel”). BANA’s response to  
28 this motion is pending.

9. Plaintiffs filed their Motion to Unseal Court Documents (ECF No. 52) filed on June 4, 2020 (“Motion to Unseal”). BANA’s response to this motion is pending.

## **II. Discovery to be Completed**

The Parties anticipate that the following discovery will need to be completed prior to any dispositive briefing or trial:

1. The Parties have been unable to reach agreement on a number of discovery issues which are the subjects of the Motion to Compel and the Motion to Unseal.
2. BANA may need to file its own motion seeking the production of additional relevant documents (together with the Motion to Compel and Motion to Unseal the “Discovery Motions”).
3. Expert disclosures and rebuttal experts, if necessary.
4. Depositions of Parties and their experts. Currently, there are eight Plaintiffs. The Parties anticipate conducting approximately 6-8 Party depositions, including 30(b)(6) witnesses for Plaintiffs and BANA.
5. Depositions of non-party witnesses. The Parties anticipate conducting the depositions of several non-party witnesses.

## **III. Good Cause for Extending Discovery and Dispositive Motion Deadlines**

The Parties jointly request this extension so that they may complete discovery and prepare their prosecution and defense in this litigation which involves significant numbers of complex and confidential documents. The Parties have not been dilatory. Since the prior request for an extension of time in March 2020, the Parties have attempted to resolve – including through BANA’s production of additional documents – a number of discovery disputes. Despite the Parties’ diligent efforts through the exchange of letters and a lengthy discovery conference, certain issues remain intractable and now require the intervention of the Court for resolution.

The issues in dispute are numerous, and certain of them are particularly complex. Specifically, BANA has objected to the production of certain documents and information based on the disclosure prohibition contained in the Bank Secrecy Act and enacting regulations. *See, e.g.,* 31 U.S.C. § 5318(g)(2)(A)(i); 31 C.F.R. § 1020.320(e); 12 C.F.R. § 21.11(k); 75 Fed. Reg.

1 75593 (Dec. 3, 2010); 75 Fed. Reg. 75576 (Dec. 3, 2010). Plaintiff has taken issue with these  
2 objections. This dispute raises issues of statutory construction and important public policy  
3 considerations for which there is little 9th Circuit authority. Plaintiffs' moving papers on this  
4 issue are among those filed in connection with the Discovery Motions, and BANA's response is  
5 pending.

6 The Parties agree that disposition of certain of the disputes raised by the Discovery  
7 Motions is a condition to the preparation of meaningful expert disclosures and conducting  
8 effective depositions, though they do not agree on the underlying reasons for this. Plaintiffs'  
9 position is that resolution of their motion may result in substantial additional documents and  
10 information being produced by both sides, all of which would need to be included in expert  
11 analysis and deposition preparation. Completion of these tasks will also require additional time.  
12 BANA does not agree that Plaintiffs could not have proceeded to deposition or prepared expert  
13 reports utilizing the discovery so far; rather, it believes a condition to depositions and expert  
14 reports is its receipt of documents from Plaintiffs, substantiating their damages. Though for  
15 different reasons, the Parties agree that additional time is necessary to complete depositions.

16 All of this is against the backdrop of the COVID-19 pandemic, which continues to affect  
17 the ability of the parties and their counsel to work through the discovery issues in this case. In  
18 particular, the BANA employees with the knowledge of the relevant facts continue to operate  
19 from a remote environment which limits their ability to research the factual issues raised in the  
20 motion. Counsel faces similar issues, which also pose challenges related to child care. The Parties  
21 agree that this is an additional factor warranting the extension requested.

22 The Parties agree that the foregoing constitutes good cause for the extensions requested  
23 herein. This is the Parties' fourth request to extend these deadlines. This request is not made for  
24 any deleterious purpose or to cause delay and is made timely and in good faith. Further, the  
25 Parties agree that this request will not delay these proceedings unnecessarily and will cause no  
26 prejudice to either side.

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**IV. Proposed Schedule**

<b>Event</b>	<b>Existing Deadline</b>	<b>Proposed Deadline</b>
Expert Disclosures	June 22, 2020	<b>September 21, 2020</b>
Interim Status Report	June 22, 2020	<b>N/A – this report is no longer required pursuant to the April 17, 2020 amendments to the Local Rules of Practice</b>
Rebuttal Expert Disclosures	July 22, 2020	<b>October 21, 2020</b>
Close of Discovery	August 18, 2020	<b>November 16, 2020</b>
Dispositive Motions	September 21, 2020	<b>December 21, 2020</b>
Pretrial Order	October 20, 2020, or 30 days after a decision on any dispositive motion.	<b>January 18, 2021 or 30 days after a decision on any dispositive motion.</b>

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The Parties respectfully request that the Court enter this Stipulation as an order and extend the deadlines set out in the Scheduling Order.

**IT IS SO STIPULATED.**

Dated: June 15, 2020

DATED: June 15, 2020

THE BERNHOFT LAW FIRM, S.C.

SNELL & WILMER L.L.P.

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/s/ Kiah Beverly-Graham

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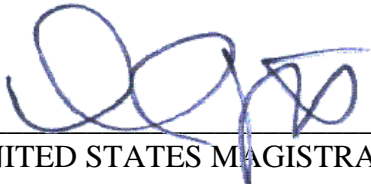
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*Attorneys for Plaintiffs*

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE  
DATED: June 16, 2020

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing **STIPULATION AND ORDER EXTENDING DISCOVERY DEADLINES (FOURTH REQUEST)** with the Clerk of the Court for the U. S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED: June 15, 2020.

/s/ Lara J. Taylor  
An Employee of Snell & Wilmer L.L.P.

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